

IN RE: PETITION FOR ADMINISTRATIVE * BEFORE THE
ZONING VARIANCE
SW/S Nanticoke Road, 435 ft. +/- * ZONING COMMISSIONER
NW of Tred Avon Road
222 Nanticoke Road * OF BALTIMORE COUNTY
15th Election District
7th Councilmanic District * Case No. 96-502-A
Allan Nicholas Pasternak
Petitioner

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as an administrative variance filed by Allan Nicholas Pasternak for that property known as 222 Nanticoke Road in the eastern section of Baltimore County. The Petitioner herein seeks a variance from Section 400.3 of the Baltimore County Zoning Regulations (BCZR) to allow an accessory structure (shed) with a height of 21 ft. in lieu of the maximum permitted 15 ft. The subject property and requested relief are more particularly described on Petitioner's Exhibit No. 1, the plat to accompany the Petition.

The Petitioner having filed a Petition for Residential Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioner has filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

ORDER RECEIVED FOR FILING
Date 7/9/96
By M. G. G. G.

MICROFILMED

This property is located within the Chesapeake Bay Critical Areas and is subject to compliance with the recommendations made by the Department of Environmental Protection and Resource Management (DEPRM), pursuant to Section 500.14 of the Baltimore County Zoning Regulations (BCZR). The relief granted herein shall be conditioned upon Petitioner's compliance with said findings.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 19th day of July, 1996 that the Petition for a Zoning Variance from Section , be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

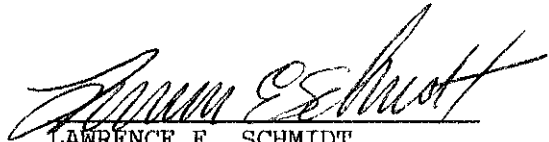
1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. The Petitioner shall not allow or cause the accessory structure to be converted to a second dwelling unit and/or apartment. The shed shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.
2. The Petitioner shall comply with the Department of Environmental Protection and Resource Management recommendations dated July 8, 1996 (copy attached).
3. The Petitioner shall comply with the Development Plans Review Division recommendations dated July 5, 1996 (copy attached).

ORDER RECEIVED FOR FILING

Date

7/19/96
M. G. G. G.

4. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.


LAWRENCE E. SCHMIDT
ZONING COMMISSIONER
FOR BALTIMORE COUNTY

LES:mmm

ORDER RECEIVED FOR FILING

Date

7/19/96

By

M. Noah

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director July 8, 1996
Zoning Administration and
Development Management

FROM: Robert A. Wirth *RAW/gp*
DEPRM

SUBJECT: Zoning Item #503 - Pasternak Property
222 Nanticoke Road
Zoning Advisory Committee Meeting of July 1, 1996

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).

As proposed development may not be in compliance with impervious requirements of CBCA regulations, the applicant is urged to work with DEPRM to look at options for compliance.

RAW:SA:jbm

c: Allan Pasternak

PASTERNA/DEPRM/TXTSBP

10/10/96

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development
Management

Date: July 5, 1996

FROM: Robert W. Bowling, Chief
Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting
For July 8, 1996
Item No. 503

The Development Plans Review Division has reviewed the subject zoning item. The property to be developed is located adjacent to tidewater. The Developer is advised that the proper sections of the Baltimore County Building Code must be followed whereby elevation limitations are placed on the lowest floor (including basements) of residential (commercial) development.

In conformance with Federal Flood Insurance requirements, the first floor or basement floor must be at least 1 foot over the floodplain elevation in all construction.

The minimum floodplain management elevation for this area is 11.2 feet.

RWB:HJO:jrb

cc: File

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

July 19, 1996

Mr. Allan N. Pasternak
222 Nanticoke Road
Baltimore, Maryland 21225

RE: Petition for Administrative Variance
Case No. 96-502-A
Property: 222 Nanticoke Road

Dear Mr. Pasternak:

Enclosed please find the decision rendered in the above captioned case. The Petition for an Administrative Variance has been granted, with restriction, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3353.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Lawrence E. Schmidt", is written over a horizontal line.

Lawrence E. Schmidt
Zoning Commissioner

LES:mmm
encl.

MICROFILMED





Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at

222 NANTICOLE RD

which is presently zoned

D.R. S.S

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

400.3 BCZR. TO PERMIT
AN ACCESSORY STRUCTURE (SHED) WITH A HEIGHT OF 21 FT IN LIEU
OF THE MAXIMUM PERMITTED 15 FT.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

(See AFFIDAVIT)

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition

Contract Purchaser/Lessee

Legal Owner(s)

(Type or Print Name)

(Type or Print Name)

Signature

Signature

Address

(Type or Print Name)

City

State

Zipcode

Signature

Attorney for Petitioner

(Type or Print Name)

Address

Phone No.

Signature

City

State

Zipcode

Name, Address and phone number of representative to be contacted

Address

Phone No.

Name

City

State

Zipcode

Address

Phone No.

A Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this ____ day of _____ 19____ that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be reposted.

Zoning Commissioner of Baltimore County

REVIEWED BY: _____

DATE: _____

ESTIMATED POSTING DATE: _____

Printed with Soybean Ink
on Recycled Paper

ITEM #: 503

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 222 NANTICOKE RD
address
BALTIMORE MARYLAND 21221
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (indicate hardship or practical difficulty)

Request for 15 Foot Height Restriction be waived to Allow
two (2) story shed be built so second (2nd) Floor can be
For storage. I HAVE A small House w/ no Basement.

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Allan N. Pasternak
(signature)
ALLAN N. PASTERNAK
(type or print name)



(signature)

(type or print name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 30th day of April, 1996, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Allan N. Pasternak

the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiantt(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

4/30/96
date

Margaret D. Fiebinger
NOTARY PUBLIC

My Commission Expires: 8/1/98

503
96-502-A

ZONING DESCRIPTION.

BEGINNING AT A POINT ON THE SOUTH WEST SIDE OF NANTICOKE RD. AT A DISTANCE OF 435 FT ± NORTH WEST OF TRED AVON RD. THENCE THE FOLLOWING COURSES AND DISTANCES. SW 275 FT, NW 50 FT, NE 275 FT, SE 50 FT BACK TO THE POINT OF BEGINNING BEING 222 NANTICOKE RD IN THE 15TH ED LOT SIZE 13,750 SQ. FT.

I AM RESPONSIBLE FOR THE ACCURACY OF ALL INFORMATION DRAWN OR WRITTEN BY BALTO. COUNTY AS PROVIDED IN THIS PETITION APPLICATION

Allan N. Pasternak
6/20/96

MICROFILMED

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland
96-502-1A

District: 1371 Vorhies Date of Posting: 6/29/96

Posted for: _____

Petitioner: Allen N. Pasternak

Location of property: 282 Nantux Rd

Location of Signer: Facing roadway on property being zoned

Remarks: _____

Posted by: M. Kelly Date of return: 7/5/96

Signature

Number of Signs: 1

MICROFILMED

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCIAL REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 822812
JLL - 503

DATE 6/20/96 ACCOUNT R0016150

AMOUNT \$ 85.00

RECEIVED FROM: PASTERNAK

222 NANTICOKE RD

FOR: RV APPLICATION MICROFILMED
SIGN

03A91H0039NICHRC \$85.00
BA 0010157AM06-20-96

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

VALIDATION OR SIGNATURE OF CASHIER

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 503

Petitioner: ALLAN PASTERNAK

Location: 222 NANTICOKE RD

PLEASE FORWARD ADVERTISING BILL TO:

NAME: ALLAN PASTERNAK

ADDRESS: 222 NANTICOKE RD

BALTIMORE, MD. 21221

PHONE NUMBER: 686 7038

AJ:ggs

(Revised 04/09/93)



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MICROFILMED



Printed with Soybean Ink
on Recycled Paper



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

June 27, 1996

NOTICE OF CASE NUMBER ASSIGNMENT

Re: CASE NUMBER: 96-502-A (Item 503)
222 Nanticoke Road
SW/S Nanticoke Road, 435'+/- NW of Tred Avon Road
15th Eleciton District - 7th Councilmanic
Legal Owner(s): Allan Nicholas Pasternak

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Contact made with this office regarding the status of this case should reference the case number and be directed to 887-3391. This notice also serves as a refresher regarding the administrative process.

- 1) Your property will be posted on or before June 30, 1996. The closing date (July 15, 1996) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. They may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.
- 2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reposted and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reposting and newspaper advertising are payable by the petitioner(s).
- 3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$60.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

Arnold Jablon
Director

cc: Allan Nicohas Pasternak

MICROFILMED





Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

July 10, 1996

Mr. Allan N. Pasternak
222 Nanticoke Road
Baltimore, MD 21225

RE: Item No.: 503
Case No.: 96-502-A
Petitioner: Allan Pasternak

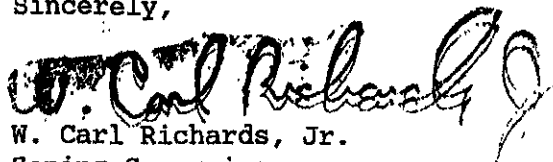
Dear Mr. Pasternak:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on June 20, 1996.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Roslyn Eubanks in the zoning office (887-3391).

Sincerely,


W. Carl Richards, Jr.
Zoning Supervisor

WCR/re
Attachment(s)

MICROFILMED



B A L T I M O R E C O U N T Y , M A R Y L A N D

I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director
 Department of Permits & Development
 Management

Date: July 5, 1996

FROM: Robert W. Bowling, Chief
 Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting
 For July 8, 1996
 Item No. 503

The Development Plans Review Division has reviewed the subject zoning item. The property to be developed is located adjacent to tidewater. The Developer is advised that the proper sections of the Baltimore County Building Code must be followed whereby elevation limitations are placed on the lowest floor (including basements) of residential (commercial) development.

In conformance with Federal Flood Insurance requirements, the first floor or basement floor must be at least 1 foot over the floodplain elevation in all construction.

The minimum floodplain management elevation for this area is 11.2 feet.

RWB:HJO:jrb

cc: File

ZONE16C

MICROFILMED

B A L T I M O R E C O U N T Y , M A R Y L A N D
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management



Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Hal Kassoff
Administrator

6-28-96

Ms. Joyce Watson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 503 (JLL)

Dear Ms. Watson:

This office has reviewed the referenced plan and we have no objection to approval as the development does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact Bob Small at 410-545-5581 if you have any questions. Thank you for the opportunity to review this plan.

Very truly yours,

for Bob Small
Ronald Burns, Chief
Engineering Access Permits
Division

BS

MICROFILMED

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717

Street Address: 707 North Calvert Street • Baltimore, MD 21202

B A L T I M O R E C O U N T Y , M A R Y L A N D

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Permits and Development
Management

DATE: June 27, 1996

FROM: Pat Keller, Director
Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item No. Item Nos. 491, 500, 502, 503, 504, 505, 506, 507, and 508

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3495.

Prepared by:

Jeffrey W. Long

Division Chief:

Darryl L. Kerns

PK/JL

Baltimore County Government
Fire Department



700 East Joppa Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410) 887-4880

DATE: 07/03/96

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF JULY 01, 1996.

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time.
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 500, 502, 503, 504, 505, 506, 507 AND 508.

1996

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

MICROFILMED



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on Recycled Paper

MICROFILMED

BALTIMORE COUNTY, MARYLAND
Inter-Office Memorandum

DATE: June 20, 1996

TO: Hearing Officer

FROM: John L. Lewis
Planner II, Zoning Review

SUBJECT: Item #503
222 Nanticoke Road

Applicant wishes to file with the understanding that photos will be provided to file within one week of the petition filing date. Advised he was filing at his own risk.

JLL:scj

RECEIVED

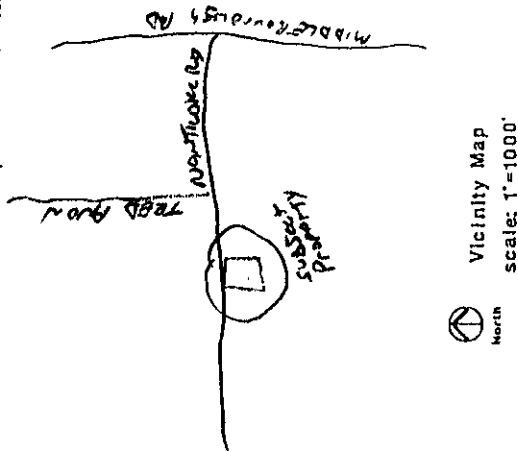
☐ **Special Hearing**

see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name:

plat book#	folio# 191	lot# 92	section#
------------	------------	---------	----------

96-502-A



LOCATION INFORMATION

Election District: 15

Councilman District 7

1"=200' scale map#: NE 21

Zoning: DR 5.5

Lot size: acreage 13,750 square feet

Chesapeake Bay Critical Area:

SEWER:	<input checked="" type="checkbox"/>	public	<input type="checkbox"/>	private	<input type="checkbox"/>
WATER:	<input checked="" type="checkbox"/>	yes	<input type="checkbox"/>	no	<input type="checkbox"/>

Prior Zoning Hearings:

Zoning Office USE ONLY!

reviewed by: _____ CASE#: _____
ITEM #: _____

North

date: 6/15/95

prepared by: *DLP*

Scale of Drawing: 1"=50'

Zoning Office USE ONLY!